IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA

EMILY HALL SPRECKELS,

Plaintiff,

vs.

ADOLPH B. SPRECKELS,

Defendant.

No. 32073

AFFIDAVIT OF SERVICE

STATE OF CALIFORNIA
COUNTY OF SANTA BARBARA } SS.

ANNA ROYKA being first duly sworn, deposes and says:

That she is a citizen of the United States of America, and a resident of the County of Santa Barbara and over the age of twenty-one years; that she is neither a party to nor interested in the outcome of the above entitled action; that on the 18th day of November, 1940, in Santa Barbara, California, she personally served the Affidavit in Support of Notice to Take Deposition and Notice of Taking of Deposition Within State of California upon Heaney, Price, Postel and Parma, attorneys of record for the defendant above named by presenting the originals of said documents and each of them to Clarence Rogers, a member of said firm of Heaney, Price, Postel and Parma, and delivering to and leaving with him personally a true copy of each of said documents, to-wit: Affidavit in Support of Notice to Take Deposition and Notice of Taking of Deposition Within State of California.

Anna Royka

Subscribed and sworn to before me
this 18th day of November, 1940.

John E. Schwed (SEAL)
Notary Public in and for the County
of Santa Barbara, State of California.

SCHAUER, RYON & McMAHON
ATTORNEYS AT LAW
28 EAST CARRILLO ST.
SANTA BARBARA, CALIF.

STATE OF CALIFORNIA,

County of Santa Barbara } ss.

Anna Royka

, being first duly sworn, says: That affiant is a citizen of the United States and a resident of the County of Santa Barbara ; that affiant is over the age of eighteen years and is not a party to the within and above entitled action; that affiant's ~~residence~~ business address is 24 East Carrillo Street, Santa Barbara, California

That on the 18th day of November, A. D., 19 40 affiant served the within Affidavit In Support Of Notice To Take Deposition and Notice Of Taking Of Deposition Within State of California

on the Attorney for Defendant in said action, by placing a true copy thereof in an envelope addressed to said Attorney at the ~~residence~~ business address of said Attorney, as follows:[1] Walter Slack, Attorney at Law, Balfour Building, San Francisco, California

and by then sealing said envelope and depositing the same, with postage thereon fully prepaid, in the United States Post Office at Santa Barbara, California. That there is delivery service by United States mail at the place so addressed and there is a regular communication by mail between the place of mailing and the place so addressed.

SUBSCRIBED AND SWORN to before me this 18th day of November, 1940

Anna Royka

Mabel Reynolds

Notary Public in and for said County and State.

AFFIDAVIT OF SERVICE — ANY PAPER BY MAIL

[1] *Here quote from envelope name and address of addressee.*

FILED
NOV 19 1940
J. E. [illegible] CLERK
By [illegible] DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA

EMILY HALL SPRECKELS,
Plaintiff,
vs.
ADOLPH B. SPRECKELS,
Defendant.

No. 52073

AFFIDAVIT IN SUPPORT OF NOTICE TO TAKE DEPOSITION.

STATE OF CALIFORNIA,)
COUNTY OF SANTA BARBARA,) ss.

EMILY HALL SPRECKELS, being first duly sworn, deposes and says:

That she is the plaintiff in the above-entitled action; that the above-named defendant, Adolph B. Spreckels, has been served with summons in the above-entitled action and has appeared in said action by filing therein a Demurrer to plaintiff's Complaint on file therein; that one of the essential and material issues in the said action is as to the income and net worth of the said defendant; that defendant is a man of great wealth and receives from his holdings a very large yearly income; that among other assets possessed by said defendant are shares of stock of J. D. & A. B. Spreckels Company, a corporation, carrying on its business from and with its home offices at 2 Pine Street, San Francisco, California that said defendant owns outright Eighteen Hundred Forty-one (1841) shares of the stock of said corporation, J. D. & A. B. Spreckels Company, and that said defendant is the owner of in excess of Two

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ATTORNEYS AT LAW
26 EAST CARRILLO ST.
SANTA BARBARA, CALIF.

Hundred (200) shares of the stock of the said J. D. & A. B. Spreckels Company, a corporation, held in trust for him and in his behalf.

That affiant is informed and believes and on such information and belief alleges that the said J. D. & A. B. Spreckels Company, a corporation, is engaged in many and numerous large commercial activities and is a holding company of great wealth, power and influence, possessing and holding stock in, and controlling stock in, numerous corporations; that affiant is informed and believes and on such information and belief alleges that certain of these companies are engaged in the following businesses: Warehousing, carrying passengers and property for hire, electrical transportation, operating hotels and apartment houses, commercial office buildings, real estate developments, sugar plantations, and sugar refineries; that affiant is informed and believes and on such information and belief alleges that among the corporations whose stock is in part either owned by or wholly controlled by the said J. D. & A. B. Spreckels Company, a corporation, are: The Gulf Warehouse Company, Coronado Ferry Company, the San Diego Electric Railway Company, The Mission Beach Company, The Spreckels Sugar Company, The Western Sugar Refinery, together with either partial or controlling interests in the corporations that operate the Coronado Hotel and the San Diego Hotel. That affiant is informed and believes and on such information and belief alleges that the said J. D. & A. B. Spreckels Company, a corporation, either owns and operates or holds the controlling stock in corporations which do operate commercial office and theatre buildings in certain of the principal cities in the Pacific Coast area, and owns and operates large and extensive sugar plantings in the Hawaiian Islands. That affiant is informed and believes and on such information and belief alleges that each share of stock in the said J. D. & A. B. Spreckels Company, a corporation, has a value in excess of $9,000.00, and that

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ATTORNEYS AT LAW
26 EAST CARRILLO ST.
SANTA BARBARA, CALIF.

the holdings of the said defendant, Adolph B. Spreckels, in and to the stock of the said J. D. & A. B. Spreckels Company, a corporation, have a reasonable value in excess of $18,000,000.00.

That affiant is informed and believes and on such information and belief alleges that one C. A. Thulander is the Comptroller of the said J. D. & A. B. Spreckels Company, a corporation, and maintains his place of residence and abode within the City and County of San Francisco, California; that the said C. A. Thulander, Comptroller of the said corporation, as aforesaid, does not reside within the County of Santa Barbara, California, the place where the above-entitled action is now pending, and that said witness is not physically present within the County of Santa Barbara, California, the place where the testimony of said witness is to be used; that the said C. A. Thulander is a material and necessary witness in behalf of the plaintiff in said action, and that the testimony of said witness is necessary to establish a portion of the income and net worth of the said above-named defendant, Adolph B. Spreckels, in connection with his, the said Adolph B. Spreckels', noldings in and to stock of the said J. D. & A. B. Spreckels Company, a corporation, a fact and issue in and material to the above-entitled action.

That MARY A. LAPACHET is a Notary Public in and for the City and County of San Francisco, State of California, and maintains her offices at Room 1733, 111 Sutter Street, in the City of San Francisco, and is a fit and proper person before whom the testimony of said witness may be taken by deposition.

WHEREFORE, request is hereby made by said plaintiff, the affiant herein, that the Clerk of the Superior Court of the State of California in and for the City and County of San Francisco issue the Subpoena of the said court directing the said C. A. Thulander to be and appear before the said MARY A. LAPACHET, a Notary

SCHAUER, RYON & McMAHON
ATTORNEYS AT LAW
26 EAST CARRILLO ST.
SANTA BARBARA, CALIF.

Public, as aforesaid, in and for the City and County of San Francisco, at Room 1733, 111 Sutter Street, in the City of San Francisco, County of San Francisco, State of California, on the 7th day of December, 1940, at the hour of 9:30 A.M. of said day, and there testify in behalf of the plaintiff in the above-entitled action.

Emily Hall Spreckels

Subscribed and sworn to before me this 18th day of November, 1940.

Mabel Reynolds
Notary Public in and for the County of Santa Barbara, State of California.

Graham Ryan & McMahon

Robt. M. McInturff
Attorneys for Plaintiff

Receipt of a copy of the attached Notice of Taking of Depositions Within State of California and the within Affidavit is hereby admitted this 18th day of November, 1940.

HEANEY, PRICE, POSTEL & PARMA
Attorneys for Adolph B. Spreckels, defendant in the above-entitled case.

SCHAUER, REYON & McMAHON
ATTORNEYS AT LAW
26 EAST CARRILLO ST.
SANTA BARBARA, CALIF.

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SANTA BARBARA

EMILY HALL SPRECKELS,

Plaintiff,

vs.

ADOLPH B. SPRECKELS,

Defendant.

No. 32073

NOTICE OF TAKING OF DEPOSITION WITHIN STATE OF CALIFORNIA.

TO THE ABOVE-NAMED DEFENDANT, AND TO HEANEY, PRICE, POSTEL & PARMA and WALTER SLACK, ATTORNEYS FOR SAID DEFENDANT:

You will please take notice that the deposition of C. A. Thulander, a necessary and material witness on behalf of the above-named plaintiff in the above-entitled action, to be used in the trial of said action, will be taken by and in behalf of said plaintiff, before MARY A. LAPACHET, a Notary Public in and for the City and County of San Francisco, State of California, at her offices at Room 1733, 111 Sutter Street, in the City of San Francisco, California, between the hours of 9:30 A.M. and 5:00 P.M. of the 7th day of December, 1940; the taking of said deposition to commence at the hour of 9:30 A.M. of said 7th day of December, 1940, and if not completed upon said day, to be continued from day to day successively thereafter and over Sundays, if necessary, until completed, and at the same place and between the same hours.

Dated this 18th day of November, 1940.

Schauer Ryon & McMahon
by Harold Ryon
Robt W. McIntyre
Attorneys for Plaintiff.

SCHAUER, RYON & McMAHON
ATTORNEYS AT LAW
30 EAST CARRILLO ST.
SANTA BARBARA, CALIF.

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA

EMILY HALL SPRECKELS,

Plaintiff,

vs.

ADOLPH B. SPRECKELS,

Defendant.

No. 32073

AFFIDAVIT OF SERVICE

STATE OF CALIFORNIA
COUNTY OF SANTA BARBARA } SS.

ANNA ROYKA being first duly sworn, deposes and says:

That she is a citizen of the United States of America, and a resident of the County of Santa Barbara and over the age of twenty-one years; that she is neither a party to nor interested in the outcome of the above entitled action; that on the 18th day of November, 1940, in Santa Barbara, California, she personally served the Affidavit in Support of Notice to Take Deposition and Notice of Taking of Deposition Within State of California upon Heaney, Price, Postel and Parma, Attorneys of record for the defendant above named by presenting the originals of said documents and each of them to Clarence Rogers, a member of said firm of Heaney, Price, Postel and Parma, and delivering to and leaving with him personally a true copy of each of said documents, to-wit:

Affidavit in Support of Notice to Take Deposition and Notice of Taking of Deposition Within State of California.

Anna Royka

Subscribed and sworn to before me
this 18th day of November, 1940.

Ida E. Edwards (SEAL)
Notary Public in and for the Coutny
of Santa Barbara, State of California.

SCHAUER, RYON & McMAHON
ATTORNEYS AT LAW
24 EAST GABRILLO ST.
SANTA BARBARA, CALIF.

STATE OF CALIFORNIA,

County of Santa Barbara } ss.

ANNA ROYKA, being first duly sworn, says: That affiant is a citizen of the United States and a resident of the County of Santa Barbara; that affiant is over the age of eighteen years and is not a party to the within and above entitled action; that affiant's residence/business address is 26 East Carrillo Street, Santa Barbara, California

That on the 18th day of November, A. D., 1940 affiant served the within Affidavit In Support Of Notice To Take Deposition and Notice Of Taking Of Deposition Within State of California

on the Attorney for Defendant in said action, by placing a true copy thereof in an envelope addressed to said Attorney at the residence/business address of said Attorney, as follows:[1] Walter Slack, Attorney at Law, Balfour Building, San Francisco, California

and by then sealing said envelope and depositing the same, with postage thereon fully prepaid, in the United States Post Office at Santa Barbara, California. That there is delivery service by United States mail at the place so addressed and there is a regular communication by mail between the place of mailing and the place so addressed.

SUBSCRIBED AND SWORN to before me this 18th day of November, 1940

Anna Royka

Mabel Reynolds

Notary Public in and for said County and State.

AFFIDAVIT OF SERVICE — ANY PAPER BY MAIL

[1] *Here quote from envelope name and address of addressee.*

HART & HART
OFFICIAL SUPERIOR COURT SHORTHAND REPORTERS
[illegible] Bldg., 41 Sutter St., San Francisco

FILED
DEC - 1940
CLERK
By [illegible] Deputy

21 CENTS 21 CENTS

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA,
IN AND FOR THE COUNTY OF SANTA BARBARA.

EMILY HALL SPRECKELS,

Plaintiff,

vs.

No. 32073

ADOLPH B. SPRECKELS,

Defendant.

DEPOSITION OF W. G. BLACKED, TAKEN BEFORE MARY A. LAPACHET, A NOTARY PUBLIC IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, THURSDAY, DECEMBER 5, 1940

County Clerk of the County of Santa Barbara,

Santa Barbara,

California.

REGISTERED
NO. 756107

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA,

IN AND FOR THE COUNTY OF SANTA BARBARA.

[illegible],

Plaintiff,

vs.

[illegible],

Defendant,

No. 32072

DEPOSITION OF

W. O. BLACKIE,

TAKEN BEFORE MARY A. LAPACHET,
A NOTARY PUBLIC IN AND FOR THE
CITY AND COUNTY OF SAN FRANCISCO,
STATE OF CALIFORNIA,

THURSDAY, DECEMBER [illegible], 1910

HART & HART
OFFICIAL SUPERIOR COURT SHORTHAND REPORTERS
CHANCERY BUILDING, SAN FRANCISCO
DOUGLAS 0118

Judgment Clerk, Judgment Dept. F. No. 34

In the Superior Court

OF THE

STATE OF CALIFORNIA

IN AND FOR THE

CITY AND COUNTY OF SAN FRANCISCO

EMILY HALL SPRECKELS,

Plaintiff.

vs.

ADOLPH B. SPRECKELS,

Defendant.

SUBPOENA TO TAKE DEPOSITION

THE PEOPLE OF THE STATE OF CALIFORNIA SEND GREETING TO:

W. G. BLACKIE,

WE COMMAND YOU, That all and singular, business and excuses being set aside, you appear and attend as a witness before Mary A. Lapachet, a Notary Public

in and for the City and County of San Francisco, State of California, at ~~No.~~ Room 1733 No. 111 Sutter Street, San Francisco, California on Friday, the 6th day of December, A. D. 19 40, at 9:30 o'clock A. M., then and there to testify in the above stated cause on the part of plaintiff

and for failure to attend you will be deemed guilty of contempt of Court, and liable to pay all losses and damages sustained thereby to the parties aggrieved, and forfeit one hundred dollars in addition thereto.

BY ORDER of the Superior Court this 19th day of November, A. D. 19 40

ATTEST my hand and the Seal of said Court, the day and year last above written.

H. A. VAN DER ZEE, Clerk.

By ..... Deputy Clerk.

STATE OF CALIFORNIA,)
CITY AND COUNTY OF SAN FRANCISCO,) SS.

E. BERGNER of said City and County of San Francisco, State of California, being first duly sworn, deposes and says:

That he served the within subpoena to take deposition on W. G. Blackie by showing the said within original to said W. G. Blackie, the person named therein, and delivering a copy thereof to him personally at about 11:20 a.m. on the 19th day of November, 1940 at his office at 2 Pine Street in the City and County of San Francisco, State of California, and that said W. G. Blackie did not demand fees.

E. Bergner

Subscribed and sworn to before me this 19th day of November, 1940.

Notary Public in and for the City and County of San Francisco, State of California.

No.....

In the Superior Court
of the
State of California
in and for the
City and County of San Francisco

EMILY HALL SPRECKELS,

vs.

ADOLPH B. SPRECKELS,

SUBPOENA
TO TAKE DEPOSITION

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA,
IN AND FOR THE COUNTY OF SANTA BARBARA.

EMILY FAIL SPRECKELS,

Plaintiff,

vs.

ADOLPH B. SPRECKELS,

Defendant.

No. 32073

BE IT REMEMBERED, that pursuant to Notice of Taking Deposition, and Subpoena to Take Deposition, and on Thursday, the 5th day of December, 1940, commencing at the hour of 9:30 o'clock A. M. thereof, at Room 1733, One Eleven Sutter Building, No. 111 Sutter Street, San Francisco, California, before me, MARY A. LAPACHET, a Notary Public in and for the City and County of San Francisco, State of California, personally appeared

W. G. BLACKIE,

who, being by me first duly sworn, was thereupon examined and interrogated as a witness in said cause.

Messrs. SCHAUER, RYON & McMAHON, and Messrs. ROSENSHINE, HOFFMAN, DAVIS & MARTIN, represented by HARRISON RYON, Esquire, JACOB H. HOFFMAN, Esquire, and ROBERT W. McINTYRE, Esquire, appeared as attorneys for the plaintiff; and WALTER SLACK, Esquire, appeared as attorney for the defendant.

It was stipulated between counsel for the respective parties that the Notary Public, after administering the oath to the witness, need not remain further during the taking of this deposition.

It was further stipulated that the said deposition should be reported in shorthand by HAROLD H. HART, a competent official shorthand reporter and a disinterested person, and thereafter transcribed by him into longhand typewriting, to be read to, or by, the said witness, who, after making such corrections therein as may be necessary, will subscribe the same.

MR. RYON: Show the appearance of the defendant in this matter through Walter Slack, and the appearance of the plaintiff through Harrison Ryon, for Schauer, Ryon & McMahon, together with Robert W. McIntyre; and as of counsel for plaintiff also show Mr. J. H. Hoffman of Rosenshine, Hoffman, Davis & Martin.

It is hereby stipulated by and between the said counsel for the plaintiff and counsel for the defendant that the deposition of William G. Blackie, which was set for hearing by proceeding duly and regularly had and taken, and subpoena duly and regularly issued and served upon said defendant, for December 6th, at Room 1733, 111 Sutter Street, before Mary A. Lapechet, a Notary Public in and for the City and County of San Francisco, may be taken on this 5th day of December, 1940, at the hour of 9:30 A. M., in the place and stead of the time originally set; and that when so taken, the questions and

answers therein contained may be introduced in evidence by either party subject to the objections only of relevancy and materiality; all other objections of every kind, nature and form being waived. Is that correct?

MR. SLACK: That is all right.

MR. RYON: And that it may be further stipulated that after the Notary, the said Mary A. Lapachet, has sworn the witness, she may leave the room, subject to recall by either counsel.

W. G. BLACKIE,

being duly sworn by the Notary Public to tell the truth, the whole truth, and nothing but the truth, testified as follows:

EXAMINATION BY MR. RYON:

MR. RYON: Q. What is your name sir?

A. William G. Blackie.

Q. You are the general manager and the secretary-treasurer of the J. D. and A. B. Spreckels Company, a California corporation? A. Yes.

Q. What are your duties as such general manager and secretary-treasurer?

A. I am the general manager of the company and in addition I have charge of the books and records of the company.

Q. Do you personally own any stock in the J. D. and A. B. Spreckels Company? A. No.

Q. Are you familiar with all of the affairs of the J. D.

and A. B. Spreckels Company? A. Yes.

Q. How long have you been familiar with the affairs of the company? A. 15 years.

Q. How long have you been connected with the J. D. and A. B. Spreckels Company? A. 30 years.

Q. Are you familiar with the books and records of the J. D. and A. B. Spreckels Company? A. Yes.

Q. What classes of stock have J. D. and A. B. Spreckels Company outstanding?

A. One class of stock only - common stock.

Q. Do you know what is the reasonable market value of the stock of J. D. and A. B. Spreckels Company?

A. Yes.

Q. What is the value of the stock per share?

A. $1062.50 - this valuation was accepted by the United States Internal Revenue Department this year for the purposes of Federal estate tax in the estate of Grace S. Hamilton.

Q. What was the value of the stock per share on or about September 7, 1940?

A. $1062.50.

Q. Do you know what the consolidated net earnings of the J. D. and A. B. Spreckels Company were for the year 1939?

A. Yes.

Q. What were they per share of stock outstanding?

A. $35.77.

Q. Do you know what the consolidated net earnings of the

J. D. and A. B. Spreckels Company are for the year 1940 to date?

A. Yes.

Q. What are such earnings for the year 1940 to date per share of stock outstanding?

A. To October 31, 1940, approximately $47.00 per share.

Q. Do you know the amount of the consolidated surplus of J. D. and A. B. Spreckels Company to this date?

A. Yes.

Q. What is the amount of such consolidated surplus?

A. Approximately thirty million dollars.

Q. Do you know the amount of the consolidated surplus of J. D. and A. B. Spreckels Company on or about September 7, 1940?

A. Yes.

Q. What is the amount of such consolidated surplus?

A. The same - approximately thirty million dollars.

Q. What dividends per share have been paid from January 1, 1939 to date by J. D. and A. B. Spreckels Company?

A. $84.50 per share.

Q. What dividends per share have been declared by J. D. and A. B. Spreckels Company that remain unpaid at this date?

A. $3.50 per share.

MR. RYON: Off the record.

(Unreported discussion.)

MR. RYON: I will ask another question:

Q. Breaking that $84.50 figure down, which was given by you in connection with the question as to what dividends per share

have been paid from January 1st, 1939, to date, by J. D. and A. B. Spreckels Company, will you state the dividends paid during the year 1939, Mr. Blackie?

A. $55.00 per share.

Q. And the remainder of the amount, namely, $29.50 per share, has been paid during the year 1940?

A. Yes.

Q. That is correct, sir? A. Yes.

MR. RYON: That is all.

MR. SLACK: I have no questions.

STATE OF CALIFORNIA,)
) ss.
CITY AND COUNTY OF SAN FRANCISCO.)

I, MARY A. LAPACHET, a Notary Public in and for the City and County of San Francisco, State of California, do hereby certify:

That the witness in the foregoing deposition named, W. G. BLACKIE, was by me duly sworn to testify the truth, the whole truth, and nothing but the truth, in the within-entitled cause; that said deposition was taken at the time and place therein named; that the testimony of said witness was taken down in shorthand by HAROLD H. HART, a competent official shorthand reporter and a disinterested person, and by him thereafter reduced to longhand typewriting, under my supervision, and when completed, was carefully read by, or to, the said witness, and, being corrected by him in every particular he desired, was by him thereafter duly subscribed.

And I further certify that I am not of counsel or attorney for either of the parties to said deposition, nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office, this 16th day of December one thousand nine hundred and forty.

Mary A. Lapachet

Notary Public in and for the City and County of San Francisco, State of California.

MY COMMISSION EXPIRES JULY 8, 1943